

**FAIRFAX COUNTY PLANNING COMMISSION
TELECOMMUNICATIONS COMMITTEE
THURSDAY, DECEMBER 8, 2011**

COMMITTEE MEMBERS PRESENT:

Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District

COMMITTEE MEMBER ABSENT:

Janet R. Hall, Mason District

OTHER COMMISSIONER PRESENT:

Frank A. de la Fe, Hunter Mill District

FAIRFAX COUNTY STAFF PRESENT:

Chris Caperton, Chief, Public Facilities Branch, Planning Division (PD), Department of
Planning and Zoning (DPZ)
Fred Selden, Director, DPZ
Anita Capps, Senior Planner, PD, DPZ
Richard Lambert, PD, DPZ
Connie Maier, PD, DPZ
Lorrie Kirst, Deputy Zoning Administrator, Zoning Administration Branch (ZAD), DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
Jeanette Nord, Deputy Clerk, Planning Commission Office

OTHERS PRESENT:

Frank Stearns, Esquire, Donohue and Stearns

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Chairman Peter F. Murphy, Jr. called the meeting to order at 7:05 p.m., in the Board Conference Room of the Government Center, 12000 Government Center Parkway, Fairfax, VA 22035.

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Commissioner Litzenberger MOVED TO APPROVE THE TELECOMMUNICATIONS COMMITTEE MINUTES OF THURSDAY, OCTOBER 27, 2011.

Commissioner Flanagan seconded the motion which carried unanimously.

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Chairman Murphy announced that Anita Capps, Senior Planner, Public Facilities Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), would be retiring at the end of December 2011, and thanked her for her many years of service to the County, particularly to the Commission, and wished her well in all future endeavors.

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PROGRAM OVERVIEW

Chris Caperton, Chief, Public Facilities Branch, PD, DPZ, introduced Richard Lambert and Connie Maier, Planners with DPZ, and Lorrie Kirst, Deputy Zoning Administrator, Zoning Administration Branch, DPZ, adding that they would take over Ms. Capps' workload upon her retirement. During his introduction, he referenced a memorandum to Chairman Murphy, dated December 8, 2011, regarding modifications to pole and sled mounted antennas, which Sandi Beaulieu, PD, DPZ, had developed in response to calls from applicants needing clarification on their review. (A copy of the memorandum is in the date file.)

In response to a question from Chairman Murphy, Mr. Caperton confirmed that the memorandum also included guidelines for flush-mounted antennas.

In addition, Mr. Caperton noted that, on a motion by Mount Vernon District Supervisor Gerald Hyland, the Board of Supervisors had referred an item on Distributed Antenna Systems (DAS) to the Planning Commission (PC) at its December 6, 2011 meeting, which Chairman Murphy indicated would be delayed until the PC meeting on Thursday, February 9, 2012.

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TELECOMMUNICATIONS PLAN TEXT AMENDMENT GENERAL OVERVIEW

Ms. Capps distributed the following items, copies of which are in the date file:

- Revised Staff Report for the Telecommunications Plan Text Amendment, incorporating all of the changes submitted to date,
- Revised "Feature Shown" Administrative Review guidelines, and
- Administrative Review Study Proposal

She briefed Committee members on the proposed Telecommunications Plan Amendment, providing detailed information on the County's Policy Plan guidelines from inception to today. She also provided a brief overview of the Committee's work to date, explaining the modifications that had been incorporated into the draft text and future plans for integration into the Comprehensive Plan. As she detailed the 2232 review process, Ms. Capps answered questions about the integration of the telecommunications guidelines into the Policy Plan and the County's continual efforts to accommodate the needs of its citizens. Chairman Murphy added that proposed revisions would be reviewed at the next meeting.

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ADMINISTRATIVE REVIEW PROPOSAL

Ms. Capps emphasized the importance of ensuring that the Policy Plan guidelines were aligned with the requirements of the Zoning Ordinance and pointed out the addition of Policy f of Objective 45 in the Administrative Review Guidelines. She added that this Policy would address telecommunications applications wherein a depiction of the full build-out of a structure would be provided in the proposal. In the discussion that followed, Committee members noted that the language in the guidelines for modifications and/or additions to existing facilities should be clarified.

Answering a question from Chairman Murphy, Frank Stearns, Esquire, Donohue and Stearns, confirmed that replacement antennas were larger than those currently in use. When Commissioner Lawrence pointed out that policy often lagged behind the latest technology, Ms. Capps stated that the Policy should identify all technologies available to prevent any lag, yet sufficiently address the required criteria of character, location, and extent.

Ms. Capps mentioned upcoming amendments to the Policy Plan that would be required, including changes to the qualifications for the “feature shown,” administrative review, and 2232 procedures. She added that language would need to be included in the Plan regarding public utilities for the Fairfax County Public Schools and Park Authority. Commissioner de la Fe and Ms. Capps briefly discussed the provision of language that would prevent an agency from appearing before the Planning Commission prior to fulfilling the terms of its proposal. Commissioner Flanagan noted that the Mount Vernon Telecommunication Committee was preparing a resolution requesting written notification of a landowner’s support of an application.

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OTHER ITEMS DISCUSSED

- 1) Commissioner Litzenberger suggested discussing a recent ruling in Newport News, Virginia, where a telecommunications facility had been denied because of the resulting depreciation in real estate values; however, Commissioner Hart noted that he had provided the information as an example of a case where a locality denied a facility based on property values. (A copy of *T-Mobile Northeast LLC v. The City Council of the City of Newport News, Virginia* is in the date file.)
- 2) Ms. Capps requested that Committee members review the latest proposed revisions and send suggestions to staff to be incorporated prior to the next meeting and reiterated that revisions would also be sent to Ms. Kirst and Beth Teare, Fairfax County Attorney’s Office, to ensure the proper conformance with *Virginia Code*. When Commissioner de la Fe expressed concern about citizen satisfaction, Ms. Capps said that the County was noted for its flexibility and responsiveness in comparison to other jurisdictions.
- 3) Chairman Murphy established the Committee work program timeline as follows:

February

Committee – Review draft Plan Amendment and Administrative Review Text

Staff – Incorporate Committee comments and forward to County Attorney's Office for review, and forward revised draft to Committee for review.

March

Committee – Review final documents and schedule the public hearings before the Planning Commission and Board of Supervisors.

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Chairman Murphy announced that the Telecommunications Committee would meet again on Thursday, February 9, 2012, at 7:00 p.m., in the Board Conference Room.

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The meeting was adjourned at 7:58 p.m.
Peter F. Murphy, Jr., Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved: February 9, 2012

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission